IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3030 OF 1999
ALONG WITH NOTICE OF MOTION NO.364 OF 1999

Nigel Misquitta. .. .. Petitioner
v/s.
Union of India & ors. .. .. Respondents

Mr.Cufford Martis for petitioner.
Mr.R.M.Sawant, GP for res.Nos.2 & 3.

CORAM : H.L. GOKHALE &
S.R. DONGAONKAR, JJ.

DATED : 28th April 2006

P.C. :

1. Heard Mr.Martis in support of this petition. Mr.Sawant, GP appears for respondent Nos.2 and 3.

2. The present petition has been filed on behalf of the fishermen who are conducting their fishing activities on the northern side of the Mahim creek. Their principal grievance has been that in view of the bridge coming up in the Mahim creek the fishing activities of the fishermen are affected. Now, the fact is that the bridge is going ahead and various aspects in that behalf have already been monitored. The only question remains is with respect to appropriate facilities being given to the fishermen. The map which is produced before us shows that there are two areas

marked in yellow and green on the northern side of the creek which could be utilised by the fishermen for docking their boats. Mr.Martis appearing for the petitioners submits that it is the green area which would be more suitable. It is located at chainage 650.00M.

3. An affidavit has been by one Mr.Ravindra L. Dudhe, Executive Engineer of respondent No.9, Maharashtra State Road Development Corporation. In this affidavit, it is assured that appropriate facilities will be made available in the inter tidal area as indicated in the sketch. What is proposed is that a docking facility and appropriate ramp is to be made available to the fishermen. The representatives of the fishermen have visited the site along with the officers of respondent No.9 and thereafter this affidavit has been filed.

4. In view of this affidavit, Mr.Martis makes a request that the facility may be provided at the earliest. One Mr.Sabnis, Superintending Engineer of respondent No.9 is present in Court. On his instructions, Mr.Sawant, learned GP, states that the appropriate steps will be taken and the facilities will be made available on or before

12th June 2006. In view of this, there is nothing further required to be done in the matter. Petition stands disposed of, however, with liberty to both parties to approach the Court in the event there are any difficulties.

5. In view of the disposal of the main petition, nothing survives in the Motion and the same will also stand disposed of accordingly.

(H.L. GOKHALE, J.)

(S.R. DONGAONKAR, J.)